IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 15521 of 2003

Between:

M/s. M.S.R. High School New bank Colonym Nizamabad rep by its President M. Vikram Reddy

..... PETITIONER

AND

1 The Deputy Transport Commissioner and Secretary, Regional

Transport Authority, Nizamabad
2 the Regional Transport Authority, Nizamabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the proceedings No. 11750/A2/2003, dated 18-7-2003 of the 1st respondent, as being arbitrary, illegal, unconstitutional unreasonable and in gross violation of principles of natural justice and consequently set-aside the same

Counsel for the Petitioner:MR.A.GIRIDHAR RAO

Counsel for the Respondent No.: MR.K.RAJI REDDY(SPL.SC FOR CT)

The Court made the following

O R D E R (Per the Hon'ble Sri Justice Bilal Nazki):

Counter has been filed. Nobody appears for the parties.

The petitioner has a vehicle, which is plying on hire as a contract carriage. It was intercepted and according to the counter, it was found plying violating the permit conditions. It has a permit to run for a School. Therefore, after issuing a show cause notice, respondents changed the rate of tax and demanded Rs.1150/- per seat per quarter.

When the writ petition was entertained, 50 per cent of the demand was asked to be paid. The matter is covered by a Larger Bench Judgment of this Court reported in ***L.Royal Reddy and others v. Government of Andhra Pradesh,*** wherein it was held that if the conditions of permit are violated, the rate of tax cannot be changed. However, for violation of conditions of permit, the respondents would be at liberty to take recourse to law. Therefore, following the judgment, we allow the writ petition, quash the order impugned, give liberty to the respondents to proceed in accordance with law against the petitioner, if they so choose. No order as to costs.

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(BILAL NAZKI, J)

11th August, 2004.

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(S.ANANDA REDDY, J)

vrn

The Rule nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Wednesday, Eleventh Day of August, Two thousand and Four.

To

1 The Deputy Transport Commissioner and Secretary, Regional

Transport Authority, Nizamabad
2 The Regional Transport Authority, Nizamabad

3 Two C.D. copies